

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**OCEAN PARTNERS USA, INC.,**

\*

**Plaintiff**

\*

**v.**

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**CIVIL NO. JKB-16-2657**

**9,174 NT of BULK ZINC CALCINE,**

\*

**Defendant**

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\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**ORDER**

On July 29, 2016, the Court conducted a status hearing in this matter, inclusive of a hearing on the Motion to Vacate the Warrant of Arrest (“Motion to Vacate”) (ECF No. 24) filed by Concord Resources Limited (“Concord”), and consistent with the requirements of Rule E(4)(f) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. During the hearing, the Court heard from counsel for Plaintiff Ocean Partners USA, Inc. (“Plaintiff”); KM Crane, LLC; and Concord, and the Court further reviewed the parties’ prehearing submissions.

At the conclusion of the hearing, the Court ruled that Plaintiff has failed to carry its burden to show why the Warrant of Arrest should not be dissolved. In particular, the Court highlighted—and it now reiterates—the ambiguities with respect to the amounts of zinc product actually present at the Tradepoint Atlantic Warehouse in Sparrows Point, Maryland, as well as the ownership of such zinc product. These ambiguities arise from counsel’s proffers with respect to prior partial shipments; shrinkage due to crushing operations, evaporation of moisture, and the presence of impurities in the product; and the apparent lack of any contractual obligation on the

part of the custodians to measure and maintain an accurate inventory of the product. In light of these ambiguities, the Court does not have reasonable grounds to conclude that Plaintiff's assertions as to ownership of the zinc product still present in the warehouse are actually correct. Expressed differently, Plaintiff has not demonstrated probable cause to believe that, with respect to the zinc product now in the warehouse, 9,174 net tons of such product belongs to Plaintiff. Accordingly, the Court does not have reasonable grounds to continue the detention of the arrested zinc product.

For these reasons, and for the reasons stated in open court, it is ORDERED:

1. Concord's Motion to Vacate (ECF No. 24) is GRANTED to the extent that the Warrant of Arrest will be dissolved; and
2. The Warrant of Arrest (ECF No. 7) issued on July 22, 2016, is HEREBY DISSOLVED.

DATED this 29<sup>th</sup> day of July, 2016.

BY THE COURT:

\_\_\_\_\_/s/  
James K. Bredar  
United States District Judge